



# CITY OF MEMPHIS

## COUNCIL AGENDA

April 27, 2010

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

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**CALL TO ORDER by the Sergeant-at-Arms**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CALL OF ROLL by the Comptroller**

**APPROVAL OF PREVIOUS MEETING MINUTES (April 13, 2010)**

**ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ITEMS HELD OR DROPPED FROM THE AGENDA**

**PRESENTATIONS AND RECOGNITION OF VISITORS**

1. Budget Presentation by Mayor Wharton.

**PUBLIC HEARINGS**

2. RESOLUTION approving a planned development located on the southeast corner of Frayser Boulevard and Overton Crossing Road, containing 2,725.50 sq. ft. of 8.32 acres and is currently governed by Memphis Business Academy Planned Development (P.D. 09-326).

Ford

Case No. PD 10-305

Applicants: Tower Ventures V, LLC  
Prime Development Group, Inc. – Representative

Request: Plan amendment to allow a cellular communications tower one-hundred sixty (160) feet in height with flush-mount antennae as an accessory structure

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**73 NOTICES MAILED ON APRIL 16, 2010**

**DIVISION OF PLANNING & DEVELOPMENT** (None)

**ZONING ORDINANCE – THIRD AND FINAL READING**

3. **ORDINANCE** rezoning the northwest corner of North Bellevue and Smith Avenue, containing 0.26 (11,325.60 sq. ft.) in the Local Commercial (C-L) District, up for **T H I R D** and **F I N A L** reading. (Held from 1/26; 2/23; 3/23)

Ford

Ordinance No. 5342  
Case No. Z 09-107

Applicant: Wolf River Site Development, LLC

Request: Highway Commercial (C-H) District

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

**108 NOTICES MAILED ON JANUARY 15, 2010**



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## CONSENT AGENDA

### GENERAL ORDINANCE - FIRST READING

4. **ORDINANCE** to amend Chapter 15, to regulate Disposal of items by Property Owners that do not pay Solid Waste Disposal Fees, up for F I R S T reading.

Hedgepeth

Ordinance No. 5353

ACTION REQUESTED: Adopt the Ordinance on First reading

### GENERAL ORDINANCES - SECOND READING

5. **ORDINANCE** to amend Chapter 21, Motor Vehicles and Traffic, Article IX, Inspection of Vehicles to require annual inspection only for vehicles four (4) years old or older, up for S E C O N D reading.

Ware

Ordinance No. 5351

ACTION REQUESTED: Adopt the Ordinance on Second reading

6. **ORDINANCE** amending Chapter 21, Article V, Code of Ordinances, City of Memphis, to update regulations regarding the operation of Bicycles within the City of Memphis, up for S E C O N D reading.

Lowery

Ordinance No. 5352

ACTION REQUESTED: Adopt the Ordinance on Second reading

### ZONING ORDINANCE - FIRST READING (None)

### ZONING ORDINANCE - SECOND READING

7. **ORDINANCE** amending the Joint Memphis and Shelby County Zoning Ordinance – Regulations Adopted by the Shelby County Board of Commissioners on October 6, 1980, and the City Council of the City of Memphis on October 7, 1980, being Resolution and Zoning Ordinance No. 3064, as amended.

Ford

Ordinance No. 5340

Case No. ZTA 09-002cc

- Request: (1) Amend Section 2 to define the term “Family Recreation Center(s)”
- (2) Amend Section 2 to define the term “Parking”
- (3) Amend Chart 1, Footnote 18, requiring Adult Entertainment uses to be located a minimum distance of 1,500 feet from certain identified uses, to add “Family Recreation Center(s)” “Day Care Centers” as two of the identified uses listed.

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the Ordinance on Second Reading

**ENGINEERING**

8. RESOLUTION accepting THE OAKS at APPLING PD, and authorizing release of bond.

Case No. PD 02-336cc  
(Contract No. CR-4793)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Appling Rd., 1132.37' south of Goodlett Farms Pkwy. The standard improvement contract was approved on May 20, 2003. Resolution also authorizes the release of the letter of credit in the amount of \$100,000.00. This action is subject to county approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**NOTATION FROM OPD** (None)

**NOTATION** from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

**ACTION REQUESTED:** Set a date of public hearing

**SUGGESTED DATE:**

9. RESOLUTION congratulating Bria Sanders on being named Golf Digest's Scholar of the Year.

Boyd

ACTION REQUESTED: Adopt the resolution

10. RESOLUTION congratulating Shannon and Kip Barnett on the birth of their daughter, Hadley Claire Barnett.

Boyd

ACTION REQUESTED: Adopt the resolution



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### MLGW FISCAL CONSENT

11. RESOLUTION approving Change No. 2 to Contract No. 11213, Meter Data Management System, with Itron, Inc. in the funded amount of \$16,501.19, for a new contract value of \$507,354.49. (This change ratifies previous invoice payments for travel in the amount of \$13,373.59 and authorizes payment of invoices for travel in the amount of \$3,127.60). (Held from 4/13)
12. RESOLUTION awarding Contract No. 11371, UPS/PDU Electric Operations Maintenance, to Electronic Power Systems, Inc. in the funded amount of \$52,650.00.
13. RESOLUTION approving Change No. 9 to Contract No. 10783, Emergency Aid Agreement, with Dillard Smith Construction in the funded amount of \$62,109.39. (This change covers payment for work performed due to the storm of January 30, 2010).
14. RESOLUTION approving Change No. 4 to Contract No. 10929, Licensing Agreement between MLGW and E-Source, Inc. in the funded amount of \$24,320.00, for a new contract value of \$1,589,967.47. (This change provides access to all materials, reports, research, best practices and inquiries from Intelligent Grid Service covering the period May 1, 2010 to April 30, 2011, and accommodates MLGW's Smart Grid Demonstration project development and implementation needs to effectively and efficiently develop and implement the project).
15. RESOLUTION awarding contract for three front-mounted truck winches to Scruggs Equipment Company, Inc. in the amount of \$50,572.02.
16. RESOLUTION awarding contract for utility bodies, as follows:

Aerial Truck Equipment Company, Inc.....	\$56,634.00
Scruggs Equipment Company, Inc.....	<u>27,165.00</u>
Total.....	<u>\$83,799.00</u>
17. RESOLUTION awarding contract for cabs and chassis to Diamond International Trucks in the amount of \$1,250,044.00.
18. RESOLUTION awarding contract for two multi-power units to Scruggs Equipment Company, in the amount of \$103,718.00.

19. RESOLUTION awarding contract for trucks, vans and sedans, as follows:

Dobbs Ford, Inc.....	\$2,092,100.00
Cardinal Chrysler Jeep Dodge, Inc.....	<u>39,938.30</u>
Total.....	<u>\$2,132,038.30</u>

20. RESOLUTION approving a Smart Grid Investment Grant Assistance Agreement between MLGW, acting for itself and on behalf of the City of Memphis, and the United States Department of Energy (DOE), providing the arrangements pursuant to cost sharing for the implementation of a communications and control system for MLGW's network electric distribution system whereby MLGW is eligible for reimbursement for up to \$5,063,469.00 in federal funds over three years to complete the project. The total estimated cost of the project is \$13,112,363.00.



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## REGULAR AGENDA

### GENERAL ORDINANCE -THIRD AND FINAL READING

21. **ORDINANCE** to create the City of Memphis Alcohol Impact Area, up for T H I R D and F I N A L reading. (Held from 4/13)

Lowery

Ordinance No. 5349

ACTION REQUESTED: Take whatever action Council deems advisable

### ENGINEERING DIVISION

22. RESOLUTION amending the FY2010 Capital Improvement Budget by creating Railroad Crossing Improvements at Belz Boulevard and CN Railroad, project number EN01033. Resolution to accept a grant from the State of Tennessee Department of Transportation in the amount of \$18,760.00 for engineering design. Resolution amending the FY2010 Capital Improvement Budget by establishing an allocation of \$18,760.00 and appropriating \$18,760.00 for engineering design funded by the State of Tennessee Department of Transportation for Railroad Crossing Improvements at Belz Boulevard and CN Railroad, project number EN01033.

Hedgepeth

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

### EXECUTIVE DIVISION (None)

### FINANCE & ADMINISTRATION (None)

### DIVISION OF FIRE SERVICES (None)

### DIVISION OF GENERAL SERVICES

23. RESOLUTION seeking the approval and grant of a Permanent Conservation Easement on 38.845 acres named Bethany Tract Wetland Mitigation. The 38.845 acres is a portion of a 620 acre tract purchased in 1996 by the City of Memphis and County of Shelby for the use and benefit of the Chickasaw Basin Authority. The 38.845 acre tract is to be used for required wetland mitigation in ten projects in Shelby County, including Riverfront Development Corporation project Beale Street Landing (1.8 acres) and City of Memphis Holmes Road Improvements (3.15 acres).

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT**

24. RESOLUTION approving the FY2011 Consolidated Plan and accepting and appropriating anticipated FY2011 Community Development Block Grant (CDBG) funds in the amount of \$8,768,683.00, CDBG Program Income in the amount of \$2,203,420.00, HOME funds in the amount of \$4,921,520.00, HOME Program Income in the amount of \$20,000.00, Emergency Shelter Grant (ESG) funds in the amount of \$357,054.00, and Housing Opportunities for Persons with AIDS (HOPWA) funds in the amount of \$1,701,201.00 from the U.S. Department of Housing and Urban Development (HUD) to the FY2011 budget for the Division of Housing and Community Development.

Brown

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HUMAN RESOURCES** (None)

**LAW DIVISION** (None)

**MLGW DIVISION** (None)

**PARK SERVICES** (None)

**DIVISION OF POLICE SERVICES** (None)

**DIVISION OF PUBLIC SERVICES**

25. RESOLUTION amending the FY10 Operating Budget by accepting and appropriating grant funds in the amount of \$20,000.00 from Memphis Second Chance Inc. for the City of Memphis Second Chance Program to procure the software, hardware, and any training required to implement the case management and tracking system.

Ware

ACTION REQUESTED: Adopt the resolution

**DIVISION OF PUBLIC WORKS** (None)

**GENERAL ITEM**

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**



**ACTION TAKEN BY COUNCIL ON THIS DATE**

MOTION: Hedgepeth – Approve the name “Tiger Lane” for the 1,300 feet greenway space leading to the entrance of the Liberty Bowl Stadium  
SECOND: Ware  
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Ware and Chairman Collins  
NAYS: Lowery, Morrison and Strickland

**APPROVED**, set up as Special Item #3

1. No vote was necessary
  2. Approved
  3. Failed
  4. Through 10 – Approved
  11. Approved
  12. Back to Committee on May 11, 2010
  13. Approved
  14. Back to Committee on May 11, 2010
  15. Through 20 – Approved
  21. Held to May 11, 2010
  22. Through 25 – Approved
- Special Item #3 - Approved

**ACTION TAKEN ON THE MINUTES OF APRIL 13, 2010**

Approved

**ACTION TAKEN ON THE MINUTES OF APRIL 27, 2010 FOR ITEM #20 ONLY:**

Approved. Set up as Special Item #6